

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELROY W. BROWNING,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:05-CV-00342-AWI-LJO (PC)

ORDER FINDING SERVICE OF COMPLAINT  
APPROPRIATE, AND FORWARDING  
SERVICE DOCUMENTS TO PLAINTIFF FOR  
COMPLETION AND RETURN TO THE  
COURT

(Doc. 1)

Plaintiff Elroy W. Browning ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on March 11, 2005. The court has screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and finds that it appears to a state cognizable claim for relief under 42 U.S.C. § 1983 against defendants Castro, Jackson, and Lopez for use of excessive force, in violation of the Eighth Amendment.<sup>1</sup> Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

SGT. C. CASTRO

C/O C. L. JACKSON

C/O M. LOPEZ

<sup>1</sup> In a Findings and Recommendations issued concurrently with this order, the court recommended that plaintiff's conspiracy claim, due process claims, equal protection claim, claims based on violation of the California Penal Code, and supervisory liability claims be dismissed, without prejudice, for failure to state any claims upon which relief may be granted; and defendants Woodford, Scribner, Sheppard-Brooks, and Grandy be dismissed based on plaintiff's failure to state any claims upon which relief may be granted against them.

2. The Clerk of the Court shall send plaintiff three (3) USM-285 forms, three (3) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed March 11, 2005.
3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:
  - a. Completed summons;
  - b. One completed USM-285 form for each defendant listed above; and
  - c. Four (4) copies of the endorsed complaint filed March 11, 2005.
4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

**Dated:** September 1, 2005  
b9ed48

/s/ Lawrence J. O'Neill  
UNITED STATES MAGISTRATE JUDGE